

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 GUADALUPE HERNANDEZ, C.H., D.H.,
4 and RUDY HERNANDEZ,

5 Plaintiffs

6 v.

7 GEICO CASUALTY COMPANY,

8 Defendant

Case No.: 2:19-cv-01266-APG-EJY

Order Remanding Case to State Court

9 Defendant GEICO Casualty Company removed this action from state court on the basis
10 of diversity jurisdiction. ECF No. 1. I ordered GEICO to show cause why this case should not
11 be remanded because the amount at issue does not meet this court's jurisdictional amount.
12 GEICO responds that the plaintiffs seek in excess of \$20,000 for each of the four causes of
13 action, plus punitive damages. ECF No. 7 at 3.

14 If removal is sought based on diversity of citizenship, "the sum demanded in good faith
15 in the initial pleading shall be deemed to be the amount in controversy." 28 U.S.C. § 1446(c)(2).
16 Here, the plaintiffs specifically state in the complaint that they seek "damages that do NOT
17 exceed \$75,000." ECF No. 1 at 11. As the master of their complaint, the plaintiffs can seek an
18 amount that keeps them out of federal court. They have done so here.

19 Federal courts are courts of limited jurisdiction. . . . It is to be presumed that
20 a cause lies outside this limited jurisdiction, and the burden of establishing the
21 contrary rests upon the party asserting jurisdiction. . . . This burden is particularly
22 stringent for removing defendants because the removal statute is strictly construed,
23 and any doubt about the right of removal requires resolution in favor of remand.

Corral v. Select Portfolio Servicing, Inc., 878 F.3d 770, 773–74 (9th Cir. 2017) (internal
quotations and citations omitted).

1 The complaint identifies approximately \$53,700 in medical bills for all four plaintiffs
2 combined. ECF No. 1 at 7. The plaintiffs recovered \$50,000 from the tortfeasor's insurer. ECF
3 No. 7-1 at 2. Even if one of the plaintiffs had an additional \$25,801 in medical bills (*id.*), the
4 plaintiffs are not seeking more than \$75,000 in this lawsuit. Thus, I cannot exercise subject
5 matter jurisdiction over this action.

6 IT IS THEREFORE ORDERED that the case is remanded to the state court from which it
7 was removed for all further proceedings. The Clerk of the Court is instructed to close this case.

8 DATED this 12th day of August, 2019.

9
10 
11 _____
12 ANDREW P. GORDON
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23